IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(*Special Original Jurisdiction*)

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WEDNESDAY, THE TENTH DAY OF AUGUST

TWO THOUSAND AND FIVE

P R E S E N T

THE HON'BLE SRI JUSTICE ELIPE DHARMA RAO

* * *

WRIT PETITION No. 17680 OF 2005

Between:

Velagala Bulli Venkat Reddy … Petitioner

Versus

The Secretary to Government, (Revenue),

Govt.of Andhra Pradesh,

Hyderabad. & Ors. … Respondents

Counsel for the Petitioner : Mr. M.SIVANANDA KUMAR

Counsel for the Respondents: GOVT.PLEADER FOR REVENUE

O R D E R :

This writ petition is filed seeking suspension of the proceedings ROC.No.58/2005(Supdt).B9, dated 28-5-2005 issued by the third respondent ordering resumption of land in RS.No.93/3C in an extent of Ac:1-75 cents situate at Manchili village of Attili Revenue Mandal, West Godavari district to the Government under section 4 of AP Assigned Lands (POT) Act, 1977 including taking possession of the said land on the premise of pending disposal of the appeal filed by the petitioner before the fourth respondent.

The case of the petitioner is that he purchased the land in an extent of Ac:1-75 cents in survey no.93/3C situate at Manchili village of Attili Revenue Mandal, West Godavari district, under a registered sale deed dated 11-4-2004 from Mr.Pasupuleti Ganga Raju and Mrs.Suryakanthamma and as such he is a bonafide purchaser for consideration. The petitioner submits that in fact the said land is zeroiti land assessed to tax and he is paying the tax to the Gram Panchayat representing the existing coconut tope in the land. Further the name of the petitioner and his precedessors-in-title were registered and duly mutated in the revenue records and since the land is a zeroiti land, due entries are made in fair adangal.

It is submitted that after conducting enquiry, the third respondent issued Pattedar passbook in his favour and that the said land is not a patta land. The history of the land goes to show that the lands were purchased in a court auction by one Mr.Tummala Ramalingaswamy in a court sale dated 12-3-1962 in EP.No.307 of 1959 in OS.No.141 of 1956 on the file of the Court of District Munsif, Tanuku and the auction purchaser, Mr.Ramalingaswamy was put in possession thereof. While enjoying the said property of Acs:2-50 cents in survey nos.93/3C in an extent of Ac:1-75 cents and in survey no.93/3Ai n an extent of Ac:0-75 cents and also remaining AC:1-50 cents of land in survey no.93/3C in an extent of Ac:0-75 cents and in survey no.93/3C in an extent of Ac:0-75 cents, Mr.Ramalingaswamy sold the same to Penumatasa Swarajyalakshmi wife of Ramabhadra Reddy under a registered sale deed dated 08-8-1966 and the two vendees have enjoyed the properties as of right by paying land revenue to the Government and subsequently

Swarajya Lakshmi sold away Ac:0-75 cents of land in survey no.93/3A to Pesupuleti Ganga Rao and Suryakantam under registered sale deed dated 17-12-1979 and the vendees were put in possession thereof. Thereafter, Penumatsa Ramabhadra Raju husband of Sattayamma, sold Ac:0-75 cents of land in survey no.93/3C in favour of Pasupuleti Satyanarayanaprasad and his wife, Gowri under sale deed dated 23-7-1981 and put in possession and enjoyment thereof, Ac:0-50 cents of land sold by ramachandra raju devolved upon him by virtue of settlement deed dated 24-3-1980. Ultimately, the petitioner purchased ac:0-75 cents of land in survey no.93/3A under registered sale deed dated 04-11-1999 from Pasupuleti ganga Rao and his wife Suryakantam. All these transactions starting from the court sale in OS.No.141 of 1956 are evidenced by registered documents and continuous possession and enjoyment of the property is as reflected in the revenue records. Therefore, the Government has issued pattedar passbooks in his favour after due enquiry under Record of Rights Act.

While things stood thus, a printed notice addressed in favour of Pasupuleti Gangaraju, the vendor of the petitioner was sought to be served with an imputation that Ac:0-75 cents of wetland in survey no.93/3A of Manchili village, is a patta land. The notice is vague and without particulars admittedly Pasupuleti Gangaraju or anyone of the persons, who enjoyed the property for the last more than sixty years were given patta or the land is assigned in their favour. The land is a zeroiti land, purchased in a court auction and being enjoyed as such for the last sixty years by the petitioner and his predecessors-in-title as submitted above, now that the third respondent issued impugned notice ROC.No.58/2005(supdt)B.9 dated 28-5-2005,

the name of Pasupuleti Ganga Raju was rounded off and the name of the petitioner is written in the notice. Thereupon, the petitioner got issued a notice dated 11-3-2005 through his counsel clearly giving all the details of earlier enjoyment, while marking a copy of the said notice to the District Collector and Revenue Divisional Officer, Kovvur. Having receiving the said notice and having receiving the explanation of the petitioner dated 12-3-2005 the third respondent without conducting any enquiry passed the impugned order resuming the land to the Government under section 4 of the AP Assigned Lands (Prevention of Transfers) Act 1977 and the name of Mr.Balijapalli Venkat Rao was disclosed as a person in whose favour patta is said to have been given. Assailing the proceedings of the third respondent, the petitioner filed an appeal before the fourth respondent and the same is pending consideration.

As can be seen from the record, it appears that against the Proceedings ROC.No.58/2005(Supdt)B9, dated 28-5-2005 passed by the Mandal Revenue Officer, Attili, the petitioner filed an appeal before the Revenue Divisional Officer, Kovvur and the same is pending consideration. Now in this writ petition the petitioner is seeking suspension of the proceedings ROC.No.58/2005(Supdt).B9, dated 28-5-2005 issued by the third respondent ordering resumption of land in RS.No.93/3C in an extent of Ac:1-75 cents situate at Manchili village of Attili Revenue Mandal, West Godavari district to the Government under section 4 of AP Assigned Lands (POT) Act, 1977 including taking possession of the said land on the premise of pending disposal of the appeal filed by the petitioner before the fourth respondent. Considering the facts and circumstances of the case, without going into

the merits or otherwise, I deem it appropriate to dispose of the writ petition at the admission stage directing the fourth respondent to consider and dispose of the appeal filed by the petitioner and pass appropriate order on merits and in accordance with law within twelve weeks from the date of receipt of a copy of this order, after affording reasonable opportunity of hearing the petitioner. Till such time, the proceedings ROC.No. 58/2005(Supdt).B9, dated 28-5-2005 issued by the third respondent ordering resumption of land in RS.No.93/3C in an extent of Ac:1-75 cents situate at Manchili village of Attili Revenue Mandal, West Godavari district to the Government under section 4 of AP Assigned Lands (POT) Act, 1977 including taking possession of the said land be and is hereby suspended on the ground that the petitioner has submitted the long chequered history of the land, which was purchased by the predecessors-in-title in the aforesaid court auction and since then how it has been changed from time to time.

With the above direction, the writ petition is disposed of at the admission stage. No costs.

AUGUST 10th, 2005. ---------- ---------- -------

I s L. ELIPE DHARMA RAO , J.